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IN THE

Supreme Court of The United States

OCTOBER TERM, 1965

NO. 308

LESTER G. MADDOX,
Petitioner,

v.

GEORGE F. WILLIS, JR., ET AL.,
Respondents.

PETITION FOR REHEARING

WILLIAM G. McRAE
Attorney for Petitioner

ADDRESS:

608 Lakeshore Drive, N.E.
Atlanta, Georgia 30307

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Comes now Lester G. Maddox, within twenty-five days after the judgment of this Court entered in the above numbered case on the 11th day of October, 1965 dismissing his appeal for want of jurisdiction, and files this his petition for rehearing in said case as authorized by Rule 58 of Supreme Court Rules.

In the case of *WALLING v. REUTER & CO.*, 321 U.S. 671, at 676-677, this Court said:

> "It is a familiar practice of this Court that where for any reason the Court may not properly proceed with a case brought to it on appeal, or where for any reason it is without power to proceed with the appeal, it may nevertheless, in the exercise of its supervisory appellate power, make such disposition of the case as justice requires.*** When it is without jurisdiction to decide an appeal which

should have been presented to another court, it may vacate the judgment and remand the case in order to enable the court below to enter a new judgment from which a proper appeal may be taken."

Petitioner urges this Court to decide that, under the circumstances of this case, justice requires that his right of appeal from the judgment of the court below be preserved by this Court in the exercise of its supervisory appellate power.

Wherefore, petitioner prays the Court to grant a rehearing in this case, and that the Court upon rehearing amend and modify its judgment of October 11, 1965, by vacating the judgment of the court below and remanding the case to that court with directions that it enter a new judgment from which petitioner may take a proper appeal to the United States Court of Appeals for the Fifth Circuit.

Respectfully,

WILLIAM G. McRAE
Counsel for Petitioner.

Address:
608 Lakeshore Drive, N.E.
Atlanta, Georgia 30307

CERTIFICATE OF COUNSEL

I, William G. McRae, counsel for petitioner, hereby certify that the above and foregoing petition for rehearing is presented in good faith and not for delay.

William G. McRae
Counsel for Petitioner

END